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August 12, 2021

VIA ECF

Honorable Mary Kay Vyskocil
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 2230
New York, New York 10007

Re: Goureau, et al. v. Marcus Lemonis, et al., Case No. 1:20-cv-04691-MKV

Honorable Judge Vyskocil:

We represent Defendants Marcus Lemonis (“Lemonis”), ML Retail, LLC (“ML Retail”), and Marcus Lemonis, LLC (collectively, the “ML Defendants”) in the above-referenced action brought by Nicolas Goureau (“Goureau”) and Stephanie Menkin (“Menkin”) (collectively “Plaintiffs”) against the ML Defendants and Machete Corporation (“Machete”) (collectively “Defendants”).¹ We write briefly in reply to Plaintiffs’ letter, dated August 11, 2021 (Dkt. No. 62), to correct a material misstatement made by Plaintiffs’ counsel.

Plaintiffs stated that “[a]ll lead counsel agreed to stay all pending litigation, including in the present matter, between the parties that filed lawsuits prior to the new evidence uncovered by the investigation.” Dkt. No. 62 at 1. This statement is false. As lead counsel for the ML Defendants in both cases pending in this District, we never agreed to such a stay. We also confirmed with our clients that they never agreed to such a stay.

As to the remaining statements made in Plaintiffs’ letter, we decline to address those statements at this time because they are unsupported sensationalism clearly meant to inflame and they are patently irrelevant to the Court’s consideration of the pending motions to dismiss the pleading that is actually before the Court.

Respectfully submitted,

SEYFARTH SHAW LLP

/s/ Michael D. Wexler

Michael D. Wexler

cc: Counsel of record (via ECF)

¹ Machete is represented by separate counsel.